

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: William D. MOORE et al.

Title: PHARMACEUTICAL  
FORMULATION

Patent No. 7,229,982

Appl. No.: 10/625,004

Filing Date: 7/22/2003

Examiner: Raymond J. Henley, III

Art Unit: 1614

Confirmation 9813  
Number:

**COMMUNICATION REGARDING PATENT TERM ADJUSTMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Applicants submit this filing in accordance with the duty of candor and good faith, following the recommendation of the U.S. Patent and Trademark Office ("PTO") in its response to Comment 43 of the Final Rule, 65 Fed. Reg. 56366, 56387 (Sep. 18, 2000), and as advised by Kery Fries of the Office Of Patent Legal Administration in a telephone conversation with the undersigned on July 24, 2007.

Applicants note that the Patent Term Adjustment ("PTA") of 142 days, as indicated on the Issue Notification for the above-captioned application and on the front page of corresponding U.S. Patent No. 7,229,982, disagrees with the Applicants' own calculation of PTA and may be longer than appropriate.

Applicants request that the PTO review the calculation of PTA to ascertain the consequence on PTA and to confirm that the PTA is correct. In particular, Applicants request that the PTO review the time period related to Applicants' response to the final Office Action

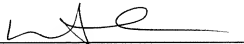
dated 4-06-06. In response to the final Office Action, Applicants submitted an Amendment after Final Rejection dated 9-22-06 and a Notice of Appeal dated 10-06-06. A Notice of Allowance was mailed 10-16-06. Applicants request review of the impact of the Notice of Appeal on the PTA determination.

Applicants also request that the PTO review the time period related to the post-allowance Rule 48 Amendment to Correct Inventorship. Applicants note that a relevant PTO Official Gazette notice lists specific post-allowance filings that cause reduction of PTA and other post-allowance filings that do not reduce PTA, but the notice does not state how a post-allowance amendment correcting inventorship would affect PTA. *See* 1247 O.G. 111.

If upon review the PTO determines that the PTA is correct, Applicants request confirmation of that determination. If the PTO determines that the PTA is incorrect, however, Applicants understand that the PTO will issue *sua sponte* a Certificate of Correction with revised PTA.

Respectfully submitted,

Date 26-July-2007

By 

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